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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 FAYEZ MANSOR, et al.,

CASE NO. C23-0347JLR

11 Plaintiffs,

MINUTE ORDER

12 v.

13 UNITED STATES CITIZENSHIP
14 AND IMMIGRATION SERVICES,
15 et al.,

Defendants.

16 The following minute order is made by the direction of the court, the Honorable
17 James L. Robart:

18 Before the court is Defendants United States Citizenship and Immigration Services
19 ("USCIS"), Secretary Alejandro Mayorkas, and Director Ur Jaddou's (collectively,
20 "Defendants") motion to dismiss, asserting, in part, that Plaintiffs Fayed Mansor and
21 Shukria Zafari lack standing. (MTD (Dkt. # 42) at 7-9.) Defendants argue for the first
22 time on reply that because as of June 9, 2023, USCIS allows Afghan parolees to extend

1 their temporary employment authorization free of charge, Mr. Mansor's and Ms. Zafari's
 2 theory of standing fails. (*See Reply* (Dkt. # 47) at 3 & n.2 (citing USCIS press release);
 3 *see also* Resp. (Dkt. # 46) at 5-7 (arguing Mr. Mansor and Ms. Zafari's impending loss of
 4 employment authorization incident to their parole status confers standing).) Because
 5 Defendants raise this argument for the first time on reply, Plaintiffs have not had
 6 occasion to brief the issue. (*See Dkt.*) Arguments raised on reply are typically waived.
 7 *Turtle Island Restoration Network v. U.S. Dep't of Com.*, 672 F.3d 1160, 1166 n.8 (9th
 8 Cir. 2012). But where, as here, the untimely argument attacks a party's standing and the
 9 court's subject matter jurisdiction, supplemental briefing is appropriate to allow the
 10 opposing party to respond. *See, e.g., Bank of Am., N.A. v. Hidden Canyon Owners Ass'n*,
 11 Case No. 2:16-cv-02764-RFB-EJY, 202 WL 1643701, at *3 (D. Nev. April 2, 2020)
 12 (ordering supplemental briefing to allow plaintiff to respond to defendant's argument
 13 regarding standing and subject matter jurisdiction raised on reply).

14 Accordingly, the court ORDERS Plaintiffs to file supplemental briefing that
 15 addresses the impact, if any, of USCIS's new program waiving the fees for Afghan
 16 nationals' work authorization renewals on Plaintiffs Fayeza Mansor and Shukria Zafari's
 17 standing. (*See Reply* at 3 & n.2.) Plaintiffs' supplemental brief shall not exceed 1,500
 18 words and shall be filed by no later than **July 12, 2023**. Defendants may file a response
 19 not to exceed 1,000 words by no later than **July 14, 2023**. The Clerk is DIRECTED to
 20 remote Defendants' motion to dismiss (Dkt. # 42), as well as Plaintiffs' motions for class
 21 certification (Dkt. # 2) and for a preliminary injunction (Dkt. # 3), for July 14, 2023.

22 Filed and entered this 30th day of June, 2023.

1 RAVI SUBRAMANIAN
2 Clerk of Court
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s/ Ashleigh Drecktrah
Deputy Clerk